

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CRYSTAL RICARDS, et al.

Plaintiffs,

v.

FAMILY HEALTHCARE NETWORK, et al.,

Defendants.

Case No. 1:20-cv-00586-AWI-SAB

ORDER DIRECTING CLERK OF THE
COURT TO TERMINATE FAMILY
HEALTHCARE NETWORK AND
ELIZABETH ENDERTON AS
DEFENDANTS IN THIS MATTER

(ECF No. 13)

On April 23, 2020, Crystal Richards, Michael Richards and Caroline Cuellar (“Plaintiffs”) filed this action against Family Healthcare Network, Elizabeth Enderton, the United States of America, and Kaweah Delta Healthcare District. On August 6, 2020, the United States of America filed a notice of substitution of the United States of America for Defendants Family Healthcare Network and Elizabeth Enderton. (ECF No. 14.)

Pursuant to 28 U.S.C. § 2679, the exclusive remedy against an employee working in the scope of his employment is against the United States. As relevant here, a non-profit private entity receiving federal funds shall be deemed to be an employee of the Public Health Service and the exclusive remedy shall be against the United States. 42 U.S.C. 233(g)(1)(A). “Upon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action or proceeding commenced upon such claim in a United States district court shall be deemed an

1 action against the United States under the provisions of this title and all references thereto, and
2 the United States shall be substituted as the party defendant.” 28 U.S.C. § 2679(d)(1).

3 The United States has filed a certification that the defendants named in this action,
4 Family Healthcare Network and Elizabeth Enderton were deemed to be employees of the Public
5 Health Service and were acting within the course and scope of their employment at the time of
6 the incidents alleged in the complaint. (ECF No. 14-1.)

7 Accordingly, pursuant to 28 U.S.C. § 2679, this action is proceeding against the United
8 States of America and the Office of the Clerk is DIRECTED to terminate Family Healthcare
9 Network and Elizabeth Enderton as defendants in this action. The matter shall hereafter be
10 entitled Richards, et al. v. United States of America, et al.

11 IT IS SO ORDERED.

12
13 Dated: August 10, 2020


UNITED STATES MAGISTRATE JUDGE